

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:08CR8
vs.)
DARIO RODRIGUEZ-CANCELA,)
Defendant.) ORDER

This matter is before the court on the motion for an extension of time by defendant Dario Rodriguez-Cancela (Rodriguez-Cancela) (Filing No. 16). Rodriguez-Cancela seeks until March 25, 2008, in which to file pretrial motions in accordance with the progression order (Filing No. 7). Rodriguez-Cancela's counsel represents that government's counsel has no objection to the motion. Rodriguez-Cancela has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Rodriguez-Cancela's motion for an extension of time (Filing No. 16) is granted. Rodriguez-Cancela is given until **on or before March 25, 2008**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **March 5, 2008 and March 25, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. Trial of this matter scheduled for March 24, 2008, is continued and will be rescheduled following the disposition of any pretrial motions.

DATED this 5th day of March, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge